

**IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063**

Quarterly Meeting Minutes of 2/25/2022

BOARD MEMBERS PRESENT: Dennis Baughman, Chair
Spencer Zitzman
Regina Moro
Steven Lanzet
Tami Kammer

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
John Price, Investigative Unit Manager
Nicholas Krema, General Counsel
Tyler Williams, Board Prosecutor
Cesley Metcalfe, Board Support Supervisor
Bonnie Dodson, Board Support Specialist
Jose Mendoza, Licensing Specialist

OTHERS PRESENT: Dominique Marsalek, American Counseling Association
Lynn Linde, American Counseling Association
Liz Hatter, Veritas Advisors LLP
Lianna Trembath, Idaho Counseling Association
Dania Lofton, American Counseling Association
Chad Yates, Idaho Counseling Association
Beronica Salazar, Idaho Counseling Association
Kayla Pedigo, Idaho Mental Health Counselors
Association
Danielle Irving, American Counseling Association

The meeting was called to order at 8:30 AM MST by Mr. Baughman.

INTRODUCTIONS

Ms. Lawler introduced herself as the Bureau Chief of the Occupational Licenses Bureau of the Division and as the Executive Officer of the Board; Kent Absec as the Licensing Program Manager; Nicholas Krema as General Counsel; John Price as the Investigative Unit Program Manager; Cesley Metcalfe as the Board Support Supervisor; Bonnie Dodson as the Board Specialist, and José Mendoza as the Licensing Specialist.

APPROVAL OF MINUTES

Dr. Moro made a motion to approve the minutes of 10/22/20. It was seconded by Dr. Zitzman. Motion carried.

Dr. Moro made a motion to approve the minutes of 2/26/2021. It was seconded by Dr. Zitzman. Motion carried.

Dr. Moro made a motion to approve the minutes of 5/21/2021. It was seconded by Dr. Zitzman. Motion carried.

Dr. Moro made a motion to approve the minutes of 10/22/2021. It was seconded by Dr. Zitzman. Motion carried.

LAWS AND RULES

Ms. Lawler presented a legislative update. She explained the history and purpose of Zero-Based Regulation (ZBR) and stated that the Board is not scheduled to perform its rule chapter review this year. She further explained that all regulatory boards will go through a sunset review of their statutes, but that a schedule has not yet been provided.

Ms. Lawler informed the Board that HB654 was passed by the House and sent to the Senate. The bill expands the legal definition of school counselors to include Licensed Professional Counselors and Licensed Clinical Professional Counselors if they meet the requirements of the State Board of Education.

Ms. Lawler also informed the Board that SB1328 is currently in the Health and Welfare Committee. The bill will allow more asynchronous communication between a patient and healthcare provider once a relationship is established.

DIVISION UPDATES

Ms. Lawler reviewed the third organization chart showing all employees of the Division. She stated that the Division should be moved into its permanent building by July.

Ms. Lawler informed the Board that a financial report was unavailable due to issues created by the consolidation of multiple financial systems within the Division. A report will be presented at the next meeting depending on availability from the Finance Department.

Ms. Lawler also stated that the Request for Proposal (RFP) for the Professional Recovery Network (PRN) has been scored and presentations will be scheduled for the candidates.

Ms. Lawler also informed the Board that there are currently no applicants for the vacant public member position on the Board.

BOARD MEMBER TRAINING

Ms. Lawler and Mr. Krema presented board member training that explained the expectations, duties, and responsibilities of Board members and Division staff.

SET QUARTERLY MEETINGS DATES

The Board set its quarterly meeting dates for 2022.

May 20, 2022, at 8:30 AM MDT

August 19, 2022, at 8:30 AM MDT

November 18, 2022, at 8:30 AM MST

BOARD BUSINESS

PRESENTATION ON COMPACT LEGISLATION

Ms. Lindy from the American Counseling Association (ACA) gave a presentation on Compact Legislation.

Mr. Lanzet made a motion directing Division staff to work with Ms. Kammer to develop a report for the May Board meeting to suggest any necessary legislative changes and to do whatever else may be needed to introduce legislation in the coming Legislative Session. It was seconded by Ms. Moro. Motion carried.

AASCB CONFERENCE UPDATE

Mr. Lanzet provided an update to the Board about topics discussed at the American Association of State Counseling Boards (AASCB) 2022 Virtual Conference. Mr. Lanzet stated that: a majority of the information presented related to the Counseling Compact; the National Board for Certified Counselors (NBCC) is no longer providing management services for AASCB and that a professional company is now providing the necessary administrative services; there was a focus on having Boards encourage diverse communities to become licensed counselors; there was discussion on how to regulate foreign licensed practitioners for access to care while still promoting community safety; a study was presented regarding counselor credentialing exam behavior during the pandemic, and that while many applicants are testing online, the majority prefer to test in-person; many state boards are having trouble keeping up with quickly changing telehealth regulations and how to respond to inappropriate behavior of licensees while offering telehealth services to clients; and there is a bill in the Florida Legislature that would allow licensed psychologists to be licensed as a counselor at the Masters level.

APPLICATION AND CONTINUING EDUCATION APPROVAL PROCESS

Ms. Lawler discussed Board governance versus daily operations in relation to documents for Board review from staff.

The Board discussed its current approval process for applications and continuing education audits. No action was taken.

CORRECTIVE ACTION PLAN OPTION

The Board discussed adopting Corrective Action Plans (CAP) as an additional resource for licensees. Ms. Lawler presented a draft template that would be used when the Board chooses to implement a CAP.

Dr. Moro made a motion to adopt CAP as an option for the Board to use when appropriate. It was seconded by Ms. Kammer. Motion carried.

COMPLAINT MEMORANDUM

Mr. Price gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Moro made a motion to approve the Division's recommendation and authorize closure in case numbers I-COU-2020-21; I-COU-2021-15; I-COU-2021-30; I-COU-2021-35; I-COU-2021-38; I-COU-2021-43; I-COU-2022-2; I-COU-2022-3; I-COU-2022-5; and I-COU-2022-7. It was seconded by Dr. Zitzman. Motion carried.

EXECUTIVE SESSION

Dr. Zitzman made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. Moro. The vote was: Mr. Baughman, aye; Dr. Zitzman, aye; Dr. Moro, aye; Mr. Lanzet, aye; and Ms. Kammer, aye. Motion carried.

Ms. Kammer made a motion to come out of executive session. It was seconded by Dr. Zitzman. Motion carried.

DISCIPLINE

Dr. Moro made a motion to close case numbers COU-2021-18 and COU-2021-22 with an advisory letter. It was seconded by Dr. Zitzman. Motion carried.

Dr. Zitzman made a motion to accept the Findings of Fact, Conclusions of Law, and Final Order in case number COU-2021-3 and authorize the Board chair to sign on behalf of the Board. It was seconded by Dr. Moro. Motion carried.

Ms. Kammer made a motion to accept the Stipulation and Consent Order in case number COU-2021-6 and authorize the Board chair to sign on behalf of the Board. It was seconded by Dr. Moro. Motion carried.

Dr. Moro made a motion to accept the Stipulation and Consent Order in case number COU-2021-15 and authorize the Board chair to sign on behalf of the Board. It was seconded by Mr. Lanzet. Motion carried.

Dr. Zitzman made a motion to accept the Stipulation and Consent Order in case number COU-2021-21 and authorize the Board chair to sign on behalf of the Board. It was seconded by Mr. Lanzet. Motion carried.

Mr. Lanzet made a motion to accept the Stipulation and Consent Order in case number COU-2021-7 subject to typographical corrections and authorize the Board chair or a designee to sign on behalf of the Board. It was seconded by Dr. Moro. Motion carried. Mr. Baughman abstained.

Mr. Lanzet made a motion that a correction be made to all Stipulation and Consent Orders presented today to remove references to marriage and family counseling and focus only on professional counseling. It was seconded by Ms. Kammer. Motion carried.

Ms. Kammer left the meeting at 12:32 PM MST.

EXECUTIVE SESSION

Dr. Moro made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Zitzman. The vote was: Mr. Baughman, aye; Dr. Zitzman, aye; Dr. Moro, aye; and Mr. Lanzet, aye. Motion carried.

Mr. Lanzet made a motion to come out of executive session. It was seconded by Dr. Moro. Motion carried.

APPLICATIONS

Dr. Zitzman made a motion to approve the following for licensure:

Elizabeth Stone COUA-8725

It was seconded by Dr. Moro. Motion carried.

Dr. Zitzman made a motion to approve the following pending receipt of a letter with an explanation of the missing information about a previous suspension. The letter will be reviewed by Dr. Moro.

901188205

It was seconded by Dr. Moro. Following discussion, Dr. Zitzman amended his motion to approve the application pending receipt of a letter from the applicant that explains the falsification of information about a previous suspension and a satisfactory review by Dr. Moro that the letter satisfies the concerns of the Board. It was seconded by Dr. Moro. Motion carried.

Dr. Zitzman made a motion to table the following pending receipt of documentation that the counseling program from which the applicant graduated was a CACREP approved program at the time of graduation or receipt of a completed Counselor Coursework Addendum and the associated syllabi; additional information from the employer that demonstrates the quality of the applicant's work in lieu of missing supervisor reports; and a full and complete application.

901187094

It was seconded by Mr. Lanzet. Motion carried.

Dr. Zitzman made a motion to designate Dr. Moro to work with Division staff on a letter to applicant 901187094 regarding the educational information required to complete the application. It was seconded by Dr. Moro. Motion carried.

NEXT MEETING is scheduled for May 20, 2022, at 8:30 AM MDT.

ADJOURNMENT

Mr. Baughman adjourned the meeting at 1:21 PM MST.